

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DALE GILMORE,

Plaintiff,

-v-

9:17-CV-1349  
(DNH/TWD)

SMITH, Badge #287; SERGEANT GUIDO;  
SERGEANT GANGUREM; SERGEANT  
CELLINO; CAPTAIN DEAN; and OFFICER  
DOE,

Defendants.  
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APPEARANCES:

DALE GILMORE

Plaintiff pro se

18-A-0389

Clinton Correctional Facility - Annex

P.O. Box 2002

Dannemora, NY 12929

GOLDBERG SEGALLA, LLP

Attorney for Defendants

8 Southwoods Boulevard, Suite 300

Albany, NY 12211

JONATHAN M. BERNSTEIN, ESQ.

DAVID N. HURD

United States District Judge

**DECISION and ORDER**

Pro se plaintiff Dale Gilmore brought this civil rights action pursuant to 42 U.S.C.

§ 1983. On July 22, 2019, the Honorable Thérèse Wiley Dancks, United States Magistrate Judge, advised by Report-Recommendation that defendants' motion for summary judgment

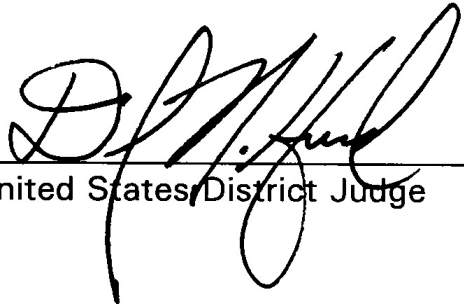
be granted. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

1. Defendants' motion for summary judgment is GRANTED;
2. Plaintiff's second amended complaint is DISMISSED in its entirety; and
3. The Clerk is directed to enter judgment accordingly and close the file.



United States District Judge

Dated: August 21, 2019  
Utica, New York.